

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 08-60317

MICHAEL A. VOGEL, II, *pro se*,
and
SHAREE L. VOGEL, *pro se*,¹

Chapter 7

Judge Thomas J. Tucker

Debtors.

**ORDER VACATING “ORDER LIFTING THE AUTOMATIC STAY”
(DOCKET # 29)**

On August 21, 2008, Debtors filed a voluntary petition for relief under Chapter 7, initiating this case. On December 9, 2008, the case was closed without a discharge due to Debtor’s failure to timely file a Financial Management Course Certificate. (Docket # 18).

On December 23, 2008, and even though the case was by then closed, American # 1 Federal Credit Union filed “Claimant’s Motion to Lift the Automatic Stay Regarding a 2003 Jeep Liberty and for Order Waiving the Provisions of FRBP 4001(a)(3)” (Docket # 21). On January 13, 2009, the creditor filed a Certificate of No Objection, indicating that no one had filed objections to the Motion. Although the case had already been closed at the time the stay relief motion was filed, and American # 1 Federal Credit Union had not filed a motion to reopen the case, the Court erroneously entered an “Order Lifting the Automatic Stay” on January 14, 2009. Moreover, the Court notes that the stay relief motion was unnecessary because the automatic stay terminated, at the latest, when the case was closed, under 11 U.S.C. § 362(c)(2)(A), and the case has not been reopened.

¹ The Debtors have informed the Court that their attorney of record in this case, David R. McEvers, is now deceased. No new attorney has entered an appearance for the Debtors.

Accordingly,

IT IS ORDERED that the January 14, 2009 “Order Lifting the Automatic Stay” (Docket # 29), is VACATED.

Signed on January 28, 2009

/s/ Thomas J. Tucker

Thomas J. Tucker

United States Bankruptcy Judge